

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AMERICAN AIRLINES, INC., ET AL.,	:	07 Civ. 7051 (AKH)
Plaintiffs,	:	
	:	
- against -	:	THIS DOCUMENT RELATES TO:
	:	
FEDERAL BUREAU OF INVESTIGATION,	:	21 MC 101 (AKH)
ET AL.,	:	
Defendants	:	
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DECLARATION OF DESMOND T. BARRY, JR.

I, DESMOND T. BARRY, JR., hereby declare as follows:

1. I am admitted to practice before this Court and a member of the law firm of Condon & Forsyth LLP, co-counsel for defendants American Airlines, Inc. and AMR Corporation. I also serve as Liaison Counsel for the Aviation Parties in this litigation.

2. I submit this declaration, pursuant to 28 U.S.C. § 1746, in further support of the Aviation Parties' Motion for Summary Judgment Setting Aside the Federal Bureau of Investigation's Refusal to Allow the Depositions of Certain Witnesses and in Opposition to the Government's Cross-Motion for Summary Judgment.

3. The Aviation Parties do not seek from the FBI witnesses (Scott Billings, Erik Rigler, Michael Rolince, Coleen Rowley, and Harry Samit) any information that is classified or protected by the law enforcement, attorney-client, or work product privileges. The Aviation Parties are willing to work with the Government to take any

reasonable measures that would help the Government prevent disclosure of such protected information, including providing the Government with detailed written outlines containing the questions the Aviation Parties intend to ask of each identified FBI witness in advance of his or her deposition and conducting these depositions before a Magistrate Judge or Special Master.

4. In further support of this Motion, I attach the following exhibits:¹

<u>No.</u>	<u>Exhibit</u>
38.	Excerpt of Deposition Testimony of Robert Cammaroto.
39.	Excerpt of American Airlines Air Carrier Standard Security Program (“ACSSP”).
40.	Excerpt of Deposition Testimony of James Helliwell.
41.	Letter from Robert Dyer to Jeff Schultes.
42.	Excerpt from the Checkpoint Operations Guide (“COG”).
43.	Department of Transportation, <i>Processing of Complaints Alleging Discrimination by Airlines Based on Race, Color, National Origin, Sex, Religion or Ancestry</i> .
44.	Security Directive 108-98-05 (1998).

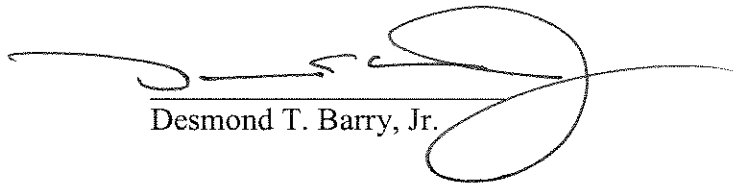
¹ These exhibits follow sequentially the exhibits attached to my Declaration dated April 28, 2008, filed in support of the Aviation Parties’ Motion for Summary Judgment Setting Aside the Federal Bureau of Investigation’s Refusal to Allow the Depositions of Certain Witnesses.

45.	Information Circular 99-13 (1999).
46.	Security Directive 95-02H (2000).
47.	Information Circular 2000-10 (2000).
48.	Information Circular 2001-01 (2001).
49.	Excerpt of Deposition Testimony of Carter Bibbey.
50.	Excerpt of Deposition Testimony of Elvia Curiel.
51.	Excerpt of Deposition Testimony of Gail Moona-Nevulis.
52.	Excerpt of Deposition Testimony of Joseph Tuero.
53.	Excerpt of Deposition Testimony of Steven Bolognese.
54.	Excerpt from United Airlines Initial GSC Training, Trade and Explosive Detection Systems.
55.	Excerpt of Deposition Testimony of Larry Wansley.
56.	Excerpt of Criminal Acts Against Civil Aviation – 1994.
57.	Excerpt of Criminal Acts Against Civil Aviation – 1986.
58.	FAA, <i>Special Analysis - Civil Aviation Incidents in the United States, 1983-1992</i> .

59.	Report of the Department of Justice Office of Inspector General, A Review of the FBI's Handling of Intelligence Information Related to the September 11 Attacks, Chapter 5, November 2004.
60.	Excerpt of FBI's Handling of Intelligence Information Related to Khalid al-Mihdhar & Nawaf al-Hazmi, September 11 Attacks.
61.	Excerpt of FBI, Summary of PENTTBOM Investigation, February 29, 2004.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 1, 2008
New York, New York


Desmond T. Barry, Jr.